

Debbie P. Kirkpatrick, Esq. (SBN 207112)
Damian P. Richard, Esq. (SBN 262805)
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.
1545 Hotel Circle South, Suite 150
San Diego, CA 92108-3426
Tel: 619/758-1891
Fax: 619/296-2013
dkirkpatrick@sessions.legal
drichard@sessions.legal

Attorney for Diversified Consultants, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAMON G. MARTINEZ,
INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

vs.

DIVERSIFIED CONSULTANTS,
INC.,

Defendant.

Case No.: 18-CV-05646

ANSWER TO COMPLAINT

Defendant Diversified Consultants, Inc. (DCI), by and through undersigned
counsel, responds as follows to the Complaint of Plaintiff Ramon G. Martinez:

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Answer to Complaint

1
2 8. DCI avers the allegations contained in ¶ 8 are legal conclusions to
3 which no response is required. To the extent a response is required, DCI avers the
4 Court has subject matter jurisdiction under 28 U.S.C. § 1331. Except as expressly
5 admitted, DCI denies the remaining allegations contained in ¶ 8.
6

7
8 9. DCI avers the allegations contained in ¶ 9 are legal conclusions to
9 which no response is required. To the extent a response is required, DCI admits the
10 Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 47 U.S.C. § 227,
11 but denies the remaining allegations.
12

13 10. DCI avers the allegations contained in ¶ 10 are legal conclusions to
14 which no response is required. To the extent a response is required, DCI admits
15 venue is proper.
16

17 **FACTUAL ALLEGATIONS**
18

19 11. DCI admits the statute cited in ¶ 11 speaks for itself and refers all
20 matters of law to the Court.
21

22 12. DCI admits the statute cited in ¶ 12 speaks for itself and refers all
23 matters of law to the Court.
24

25 13. DCI admits the FCC Order cited in ¶ 13 speaks for itself and refers all
26 matters of law to the Court.
27

28 14. DCI lacks sufficient information to form a belief as to the truth of the

1 matters alleged in ¶ 14, and based thereon denies the same.

2
3 15. In response to ¶15, DCI admits its records reflect that an account in
4 Plaintiff's name was placed with DCI for collection and that calls were made in the
5 ordinary course of business relating to the account. DCI denies any calls were
6 placed to Plaintiff using an automatic telephone dialing system.
7

8 16. DCI lacks sufficient information to form a belief as to the truth of the
9 matters alleged in ¶ 16, and based thereon denies the same.
10

11 17. DCI denies the allegations contained in ¶ 17.
12

13 **CLASS ALLEGATIONS**

14 18. DCI admits that Plaintiff purports to bring this action on behalf of a
15 putative class as alleged in ¶ 18, but DCI denies this action can be maintained as a
16 class action.
17

18 19. DCI admits that Plaintiff purports to bring this action on behalf of a
19 putative class, but DCI denies the allegations contained in ¶ 19 and denies this action
20 can be maintained as a class action.
21

22 20. DCI admits that Plaintiff purports to bring this action on behalf of a
23 putative class excluding the categories of persons outlined in ¶ 20, but DCI denies
24 the allegations contained in ¶ 20 and denies this action can be maintained as a class
25 action.
26
27
28

1 21. DCI admits that Plaintiff purports to bring this action on behalf of a
2 putative class, but DCI denies the allegations contained in ¶ 21 and denies this action
3 can be maintained as a class action.
4

5 22. DCI denies the allegations contained in ¶ 22.
6

7 23. DCI denies the allegations contained in ¶ 23.
8

9 24. DCI admits that Plaintiff purports to bring this action on behalf of a
10 putative class, but DCI denies the allegations contained in ¶ 24, and subparagraphs
11 a. through e., inclusive, and denies this action can be maintained as a class action.
12

13 25. DCI denies the allegations contained in ¶ 25.
14

15 26. DCI lacks sufficient information to form a belief as to the truth of the
16 matters alleged in ¶ 26, and based thereon denies the same.
17

18 27. DCI denies the allegations contained in ¶ 27.
19

20 28. DCI denies the allegations contained in ¶ 28.
21

22 CAUSES OF ACTION
23 FIRST CAUSE OF ACTION
24 Telephone Consumer Protection Act
25 47 U.S.C. § 227
26

27 29. DCI incorporates its responses contained in all of the above paragraphs
28 as though fully set forth herein.
29

30 30. DCI denies the allegations contained in ¶ 30.
31

32 31. DCI denies the allegations contained in ¶ 31.
33

1 32. DCI denies the allegations contained in ¶ 32.

2 33. DCI denies the allegations contained in ¶ 33.

3
4 SECOND CAUSE OF ACTION
5 Telephone Consumer Protection Act
6 47 U.S.C. § 227

7 34. DCI incorporates its responses contained in all of the above paragraphs
8 as though fully set forth herein.

9 35. DCI denies the allegations contained in ¶ 35.

10 36. DCI denies the allegations contained in ¶ 36.

11 37. DCI denies the allegations contained in ¶ 37.

12 38. DCI denies the allegations contained in ¶ 38.

13
14 AFFIRMATIVE DEFENSES

15 FIRST AFFIRMATIVE DEFENSE

16
17
18 DCI alleges Plaintiff's Complaint should be dismissed because the various
19 causes of action fail to state claims upon which relief can be granted.

20 SECOND AFFIRMATIVE DEFENSE

21
22 DCI alleges Plaintiff consented to and/or invited the conduct for which he
23 seeks relief.

24 THIRD AFFIRMATIVE DEFENSE

25
26 DCI alleges Plaintiff knowingly and voluntarily waived his rights to obtain
27 any or all of the relief sought in the complaint.

